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U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

# MEMO ENDORSED

August 13, 2008

By Hand Delivery

Honorable Lawrence M. McKenna  
United States District Judge  
United States District Court  
500 Pearl St., Room 1640  
New York, NY 10007

AUG 13 2008

LAWRENCE M. MCKENNA  
USDI SDNY

## Milanes v. Chertoff, 08 Civ. 2354 (LMM) (KNF)

Dear Judge McKenna:

As requested by the Court, the parties have conferred concerning errata in the transcript of the Court's August 7, 2008 oral decision. The parties jointly propose the corrections to the transcript indicated on the attached Exhibit A. The Government proposes the additional correction listed on the attached Exhibit B; plaintiffs do not agree to this additional correction.

We thank the Court for its attention to this matter.

*corrections*

*All proposed, ~~changes~~, <sup>lives</sup>,  
including that on  
Exhibit B, are  
approved. Considered*

By:

*M.J.*

Respectfully,

MICHAEL J. GARCIA  
United States Attorney

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cc (by e-mail):

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**EXHIBIT A –**  
**Agreed Proposed Errata Sheet for**  
**Transcript of August 7, 2008 Oral Decision**

| <b>Page and Line</b> | <b>Per Transcript</b>                                 | <b>Proposed Change</b>                                     |
|----------------------|---|--|
| 2:18                 | United States Citizenship at the Immigration Services | United States Citizenship and Immigration Services         |
| 2:19                 | has submitted   | have submitted   |
| 3:7                  | the date  | a date   |
| 6:12                 | there's   | there is   |
| 7:2                  | the   | a  |
| 7:4                  | has resided, has been employed or engaged in business | has resided and has been employed, or engaged in business, |
| 7:9                  | CFR   | 8 CFR  |
| 7:12                 | Decision  | A decision   |
| 7:14                 | 120 days  | 120-days   |
| 7:19                 | Part  | part   |
| 8:16                 | of an   | on the   |
| 8:21-22              | includes, one, confirmation                           | includes: (1) Confirmation                                 |
| 8:24                 | two, confirmation                                     | (2) Confirmation   |
| 9:1                  | three, confirmation                                   | (3) Confirmation   |
| 9:19-20              | name files  | main files   |
| 10:11                | name files  | main files   |
| 10:18                | name  | main   |
| 11:12                | contents  | content  |
| 11:17                | Executives  | Executives'  |
| 12:16                | name files  | main files   |
| 13:1                 | general statements, policy                            | general statements of policy                               |
| 13:2                 | procedure or practice                                 | procedure, or practice                                     |
| 13:13                | Second Circuit  | Seventh Circuit  |

| Page and Line | Per Transcript                      | Proposed Change            |
|---------------|-------------------------------------|----------------------------|
| 13:24-25      | name files                          | main files                 |
| 14:24         | 8 USC 571(b)                        | 8 USC 1571(b)              |
| 15:8          | this loss                           | the cause                  |
| 16:18         | adjudication, it presents           | adjudication, presents     |
| 17:1          | 553 F. Supp. 2d                     | 533 F. Supp. 2d            |
| 17:9          | concluded                           | included                   |
| 17:9          | Agency                              | agency                     |
| 17:11         | and                                 | but                        |
| 17:12         | to the agencies at their discretion | to the agency's discretion |
| 17:12         | Court                               | court                      |
| 17:15         | has                                 | have                       |
| 17:23         | name files                          | main files                 |
| 18:4          | name files                          | main files                 |
| 18:21         | 207 WL                              | 2007 WL                    |

**EXHIBIT B –**  
**Additional Errata Proposed by Government**

| Page and Line | Per Transcript | Proposed Change |
|---------------|----------------|-----------------|
| 11:9          | lay            | plain           |